

# Federal Defenders OF NEW YORK, INC.

Southern District  
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April 28, 2020

## **BY ECF**

Honorable Denny Chin  
United States Circuit Judge  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

Re: ***United States v. Eladio Padilla***, 97 Cr. 809 (DC)  
***Eladio Padilla v. United States***, 16 Civ. 3622 (DC)

Dear Judge Chin:

By order dated April 1, 2020 (Cr. Dkt. 117), the Court directed that, within 30 days of the order, “Padilla may file an amended § 2255 motion or, in the alternative, submit a letter stating that he wishes to rely on what he has already filed (*i.e.*, his successive § 2255 petition).”

I respectfully request an additional 30 days, *i.e.*, until June 1, 2020, to file an amended § 2255 motion in response to the Court’s order. The government does not oppose this request.

I seek this extension because I did not become aware of the Court’s order until approximately April 17, 2020. Moreover, my other commitments to the Second Circuit and the District Court prevent me from meeting the current deadline. In particular, I have been busy filing a number of emergency motions on behalf of incarcerated clients whose health is at risk because of the current COVID-19 epidemic. Further, I have a petition for rehearing due in the Circuit on May 13, 2020, a principal brief due on May 20, 2020, and another principal brief due on May 28, 2020. Because I must work from home, the pandemic has made meeting these deadlines exceedingly difficult.

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Accordingly, I respectfully request until June 1, 2020, to file an amended § 2255 motion on Mr. Padilla's behalf.

Respectfully submitted,

/s/  
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**EDWARD S. ZAS**  
Assistant Federal Defender  
Tel.: (212) 417-8748

cc: Nicholas Folly, Esq.  
Assistant United States Attorney  
Southern District of New York  
(by ECF)

Application GRANTED.

SO ORDERED.  
S/ Denny Chin  
April 29, 2020  
U.S.C.J.  
Sitting By Designation